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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ROBERT S. PEGRAM,

11 Plaintiff,

12 v.

13 KING COUNTY, *et al.*,

14 Defendants.

CASE NO. C07-714-BHS-JPD

REPORT AND RECOMMENDATION

15 This is a civil rights action brought under 42 U.S.C. § 1983. On June 24, 2008, the parties
16 submitted to the Court a stipulation and proposed order of dismissal without prejudice. (Dkt. No. 34.)
17 It appears that plaintiff was at that time incarcerated at the Stafford Creek Corrections Center in
18 Aberdeen, Washington. (*See id.*, Attachment 1.) On July 16, 2008, a minute order was issued at the
19 direction of the Honorable Benjamin H. Settle, United States District Judge, advising the parties that
20 the Court would not sign the proposed order of dismissal. (Dkt. No. 35.) A copy of that minute order
21 was mailed to plaintiff at the Stafford Creek Corrections Center. On July 23, 2008, the copy of the
22 minute order which was mailed to plaintiff was returned by the post office with a notation indicating
23 that plaintiff had been released from Stafford Creek Corrections Center. (Dkt. No. 36.) To date,
24 plaintiff has not provided the court with a new address.
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1 Pursuant to Local Rule 41(b)(2), if a *pro se* litigant fails to notify the Court and opposing
2 parties of his current address within sixty days after mail directed to the litigant is returned by the
3 post office, the Court may dismiss the action without prejudice for failure to prosecute. Because over
4 sixty days have passed since mail directed to plaintiff at his address of record was returned by the
5 post office, and because plaintiff has not notified the Court of his current address, this Court
6 recommends that this action be dismissed without prejudice for failure to prosecute. A proposed
7 Order accompanies this Report and Recommendation.

8 DATED this 25th day of September, 2008.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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